



Service of Process Transmittal Summary

TO: KIM LUNDY- EMAIL
Walmart Inc.
GLOBAL GOVERNANCE/CENTRAL INTAKE, 2914 SE I STREET MS#0200
BENTONVILLE, AR 72712-3148

RE: Process Served in Missouri

FOR: Sam's East, Inc. (Domestic State: AR)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: CAPELTON MICHAEL, JR. // To: Sam's East, Inc.

DOCUMENT(S) SERVED: Summons, Notice(s), Petition

COURT/AGENCY: 21st Judicial Circuit Court of the City of St. Louis County, MO
Case # 22SLCC03631

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition - 08/13/2020, At 10248 Big Bend Road, St. Louis, MO

PROCESS SERVED ON: C T Corporation System, Clayton, MO

DATE/METHOD OF SERVICE: By Process Server on 08/17/2022 at 12:36

JURISDICTION SERVED: Missouri

APPEARANCE OR ANSWER DUE: Within 30 days after receipt, exclusive of the day of service

ATTORNEY(S)/SENDER(S): Reiad Michael Khouri
Khouri Law Firm LLC
1401 S. Brentwood Blvd., Suite 950
St. Louis, MO 63144
314-455-6110

ACTION ITEMS: CT has retained the current log, Retain Date: 08/17/2022, Expected Purge Date: 08/27/2022

Image SOP

REGISTERED AGENT CONTACT: C T Corporation System
120 South Central Avenue
Clayton, MO 63105
877-564-7529
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT



CT Corporation
Service of Process Notification

08/17/2022

CT Log Number 542136908

disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



PROCESS SERVER DELIVERY DETAILS

Date: Wed, Aug 17, 2022
Server Name: Mark Smith

Entity Served	SAM'S EAST, INC.
Case Number	22slcc03631
Jurisdiction	MO

Inserts		





IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: JOSEPH SHOCKLEE DUEKER	Case Number: 22SL-CC03631
Plaintiff/Petitioner: MICHAEL CAPELTON JR	Plaintiff's/Petitioner's Attorney/Address REIAD MICHAEL KHOURI KHOURI LAW FIRM LLC 1401 SOUTH BRENTWOOD BLVD SUITE 950 ST LOUIS, MO 63144
Defendant/Respondent: SAM'S EAST, INC. DBA: SAM'S CLUB #4741	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: SAM'S EAST, INC.
DBA: SAM'S CLUB #4741

CT CORPORATION SYSTEM
120 SOUTH CENTRAL AVENUE
CLAYTON, MO 63105

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

16-AUG-2022

Date

Further Information:
AD

Jean P. Dilley
Clerk

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person at least 18 years of age residing therein.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$. _____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

Purpose of Notice

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

Your Rights and Obligations in Court Are Not Affected By This Notice

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

Alternative Dispute Resolution Procedures

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

(1) Advisory Arbitration: A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

(2) Mediation: A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

(3) Early Neutral Evaluation (“ENE”): A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

(4) Mini-Trial: A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

(5) Summary Jury Trial: A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

Selecting an Alternative Dispute Resolution Procedure and a Neutral

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 105 South Central Ave., 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73

22SL-CC03631

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

MICHAEL CAPELTON, JR.,)	
)	
Plaintiff)	
)	Cause No.
-vs-)	
)	Division No.
SAM'S EAST, INC. D/B/A SAM'S CLUB #4741,)	
)	
Defendant)	JURY TRIAL DEMANDED
)	
(Serve:)	
CT Corporation System)	
120 South Central Avenue)	
Clayton, Missouri 63105))	

PETITION FOR DAMAGES

COMES NOW Plaintiff Michael Capelton, Jr. ("Plaintiff") and for his cause of action against Defendant Sam's East, Inc. d/b/a Sam's Club #4741 ("Defendant"), states:

FACTS COMMON TO ALL COUNTS

1. At all times referenced herein, Plaintiff is now and was a resident of St. Louis County, Missouri.
2. At all times referenced herein, Defendant is now and was an Arkansas corporation authorized to conduct business in St. Louis County, State of Missouri.
3. At all times referenced herein, Defendant maintained both offices and agents for the conduct of its usual and customary business within St. Louis County in the State of Missouri at 10248 Big Bend Road (the "Property").
4. At all times referenced herein, Defendant owned, operated, and maintained a retail general merchandise store, including a tire shop, at the Property located in St. Louis County, Missouri.

5. At all times referenced herein, Defendant acted by and through its agents, servants, and employees, who were acting within the course and scope of their employment.

6. On or about August 13, 2020, Plaintiff was lawfully on the Property as he was delivering a tire to Defendant's tire shop.

7. As Plaintiff approached the garage door of the tire shop, an employee of Defendant lifted the garage door so that Plaintiff could bring the tire into Defendant's tire shop. As Plaintiff was handing the tire to Defendant's employee, the garage door fell down and violently struck Plaintiff on the head.

8. As a direct result of the aforesaid occurrence, Plaintiff's head and neck were injured; Plaintiff has suffered, and may suffer in the future, severe pain as a result thereof; and the use, movement, and function of the aforesaid injured parts have been impaired, disfigured, and/or diminished.

9. As a further and direct result of the aforesaid occurrence and the resulting injuries and damages sustained by Plaintiff, Plaintiff has been caused to undergo certain reasonable and necessary hospital and medical care and treatment, for which Plaintiff has been caused to incur or become indebted for an amount not yet determined.

10. As a further direct result of the aforesaid occurrence and the resulting injuries sustained by Plaintiff, Plaintiff may be caused to undergo further such care and treatment in the future and to incur or become indebted for further such large sums thereof.

11. As a further direct result of the aforesaid occurrence and injuries and damages sustained by Plaintiff, Plaintiff's ability to enjoy the ordinary pursuits of life have been impaired and diminished.

COUNT I – PREMISES LIABILITY

COMES NOW Plaintiff and for Count I of his cause of action against Defendant, states:

12. Plaintiff realleges and incorporates by reference as though fully set forth herein Paragraphs 1 through 11 of his Petition.

13. At the time of the aforesaid occurrence, Defendant's garage door at the tire shop was in an unreasonably dangerous and defective condition in that it did not lock and/or secure properly when opened.

14. The aforesaid dangerous and defective condition existed for a sufficient period of time in that Defendant, its agents, servants, and employees, in the exercise of due care, could and should have known of the same in time thereafter to have taken remedial action.

15. The aforesaid occurrence and the resulting injuries and damages sustained by Plaintiff were directly and proximately caused by the negligence and carelessness of Defendant, its agents, servants, and employees, in the operation, maintenance, and control of the aforesaid store, in the following respects:

- (a) Defendant failed to remove, eliminate, repair, or remedy the dangerous and defective condition at the tire shop;
- (b) Defendant failed to use ordinary care to make the garage door reasonably safe;
- (c) Defendant failed and omitted to stop the garage door from falling on Plaintiff's head, or otherwise prevent Plaintiff from encountering the dangerous and defective condition; and
- (d) Defendant negligently and carelessly failed and omitted to warn Plaintiff of the existence of the aforesaid dangerous and defective condition.

WHEREFORE, Plaintiff Michael Capelton, Jr. prays this Honorable Court enter judgment against Defendant Sam's East, Inc. d/b/a Sam's Club #4741 in such sum as may be fair

and reasonable in the premises, but in excess of Twenty-Five Thousand Dollars (\$25,000.00), together with prejudgment interest and court costs in this behalf expended.

COUNT II – GENERAL NEGLIGENCE

COMES NOW Plaintiff and for Count II of his cause of action against Defendant, states:

16. Plaintiff realleges and incorporates by reference as though fully set forth herein Paragraphs 1 through 11 of his Petition.

17. At all times herein mentioned, Defendant owed Plaintiff and the general public a duty of reasonable care.

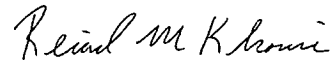
18. Defendant breached its duty owed to Plaintiff by one or more of the following negligent acts or omissions:

- (a) Defendant failed to remove, eliminate, repair, or remedy the dangerous and defective condition at the tire shop;
- (b) Defendant failed to use ordinary care to make the garage door reasonably safe;
- (c) Defendant failed and omitted to stop the garage door from falling on Plaintiff's head, or otherwise prevent Plaintiff from encountering the dangerous and defective condition;
- (d) Defendant negligently and carelessly failed and omitted to warn Plaintiff of the existence of the aforesaid dangerous and defective condition; and
- (e) Such further acts will be revealed during discovery.

19. Defendant's negligence and carelessness directly caused the aforesaid occurrence and the resulting injuries and damages sustained by Plaintiff were directly and proximately caused by the negligence and carelessness of Defendant.

WHEREFORE, Plaintiff Michael Capelton, Jr. prays this Honorable Court enter judgment against Defendant Sam's East, Inc. d/b/a Sam's Club #4741 in such sum as may be fair and reasonable in the premises, but in excess of Twenty-Five Thousand Dollars (\$25,000.00), together with prejudgment interest and court costs in this behalf expended.

Respectfully submitted,



Reiad M. Khouri #56414
rmk@khourilawfirm.com
1401 S. Brentwood Blvd, Suite 950
St. Louis, Missouri 63144
Tel: (314) 455-6110
Fax: (314) 455-6105
Attorneys for Plaintiff